

**Mar 31, 2020**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,  
Plaintiff,  
SPOKANE TRIBE OF INDIANS,  
Plaintiff/Intervenor,  
v.  
BARBARA J. ANDERSON, et al.,  
Defendants.

NO. 2:72-CV-03643-SAB

**ORDER RE: MOTIONS**

Before the Court are the Joint Motion of the United States, Washington Department of Ecology and the Spokane Tribe of Indians for Adoption of Litigation Plan and for Dismissal of Untimely Objections, ECF No. 934 and Withdrawal of Request to Dismiss Letters Filed After December 6, 2019 Deadline, ECF No. 937; Dan Sulgrove, Leslie Sulgrove and Chamokane Landowners Association, Inc.'s Cross-Motion for Briefing and Oral Argument in Opposition to Government Parties' Joint Motion for Litigation Plan and For Dismissal of Untimely Objections, ECF No. 935; and Howard Opadden's Motion to Vacate and Motion to Dismiss, ECF No. 936. The motions were heard without oral argument.

The United States, Washington Department of Ecology and the Spokane Tribe of Indians ("The Government Parties") move the Court to enter their proposed Case Management Plan that deals with how the Court should review the objections filed to the "Order to Show Cause Why Five Amendments to Prior

1 Orders Should Not Be Entered,” ECF No. 919. The Government Parties request  
2 that the Court order all Objectors to attend a meeting with them to gather more  
3 information about the Agreement and proposed changes to the prior court orders  
4 prior to requiring them to respond to the objections.

5 Dan Sulgrove, Leslie Sulgrove and Chamokane Landowners Association  
6 object to this request. These objectors also raise legal and equitable objections to  
7 the Order to Show Cause and proposed Agreement. They propose that the  
8 Government Parties be ordered to respond to the objections, the Objectors be given  
9 30 days to respond, and then the Court set the matter for oral argument.

10 The Court finds the interest of justice would be better met by the Objector’s  
11 proposed course of action.

12 Accordingly, **IT IS HEREBY ORDERED:**

- 13 1. The Joint Motion of the United States, Washington Department of  
14 Ecology and the Spokane Tribe of Indians for Adoption of Litigation  
15 Plan and for Dismissal of Untimely Objections, ECF No. 934, is  
16 **GRANTED, in part, and DENIED, in part.**
- 17 2. The Government Parties’ Withdrawal of Request to Dismiss Letters  
18 Filed After December 6, 2019 Deadline, ECF No. 937, is **GRANTED.**
- 19 3. Dan Sulgrove, Leslie Sulgrove and Chamokane Landowners  
20 Association, Inc. Cross-Motion for Briefing and Oral Argument in  
21 Opposition to Government Parties’ Joint Motion for Litigation Plan and  
22 For Dismissal of Untimely Objections, ECF No. 935, is **GRANTED.**
- 23 4. Howard Opadden’s Motion to Vacate and Motion to Dismiss, ECF No.  
24 936, is construed as Objections to the Order to Show Cause and should  
25 not longer be set as a pending motion in the Court Record.
- 26 5. Within 30 days from the date of this Order, the Government Parties are  
27 directed to file a joint response to the objections, or separate responses,  
28 if necessary.

- 1       6. The Objectors shall file their reply, if any, within 30 days after the
- 2       Government Parties have filed their memorandum.
- 3       7. The Court will consider extending the deadlines if counsel or the
- 4       Objectors have difficulty meeting the deadlines based on COVID-19
- 5       pandemic-related work slow-downs.
- 6       8. After the Court has reviewed the briefings, it will decide whether it is
- 7       necessary to have oral argument.
- 8       9. The District Court Executive is directed to provide copies of this Order
- 9       to the parties listed in the Certificate of Service attached to the Annual
- 10      Report of the Water Master, ECF No. 922, Ex. 1, along with the
- 11      following persons:

12  
13       Peter G. Scott,  
14       Law Offices, PLLC  
15       682 South Ferguson Ave #4  
16       Bozeman, MT 59718-6491

17  
18       Angela Lynn Forsman  
19       5161 Gennett Rd.  
20       Springdale, WA 99173

21  
22       Martin Monroe  
23       P.O. Box 153  
24       Valley, WA 99181

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26    //

27    //

28    //

1           howard-o:padden  
2           General Delivery  
3           P.O. Box 365  
4           Clayton, WA 99110

5  
6           Joyce Norman  
7           4373 Drum Road  
8           Springdale, WA 99173

9           **IT IS SO ORDERED.** The District Court Executive is hereby directed to  
10 file this Order.

11          **DATED** this 31st day of March 2020.



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A handwritten signature in blue ink, reading "Stanley A. Bastian". The signature is written in a cursive style and is positioned above a horizontal line.

18                   Stanley A. Bastian  
19                   United States District Judge  
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